



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
November 18, 2010**

Members present: Chairman Erik McKenzie, Member Neil Forster, Member Lee Estabrook

The Chairman opened the meeting at 7:00 p.m.

7:00 p.m. Kenneth Nicholls requests a Special Permit pursuant to Foxborough Zoning By-Laws, Table of Use 3-1, L.5 to construct a detached residential garage in excess of 625 square feet. The property, located at 20 Ridge Road is in an R-40 Residential Zoning District and a Water Resource Protection Overlay District. Mr. Nichols was present and represented himself. He would like to build a three car garage with storage area above as he has no attic or cellar in his house. It was noted that an abutter called the Building Department and stated that he was not notified of this hearing, a notice was emailed to him. The abutter list was checked against the street listing, one other abutter didn't receive notice. The Board is uncomfortable proceeding without the proper notification. Mr. Nicholls offered to go get the abutter and bring him to the meeting.

The hearing was continued to December 16, 2010 or before the meeting is adjourned.

FOXBORO LODGE MITIGATION

Marc Resnick came before the Board with a request in regards to the Foxboro Lodge mitigation money. \$40,000 was to be given to the school department to light a ball field; but they would like to reallocate part of the funds for a playground (\$22,000) and turn the rest over to the Park and Recreation Department. The Lodge has to agree to this reallocation also. Mr. Resnick explained that it is written in the decision that all unexpended funds automatically go to the Park and Recreation Department. They would like to start the playground now before paving is done at the school next year.

A motion to accept the request of the school department with the approval of the Lodge was made by Member Forster and seconded by Member Estabrooks. The motion carried 3-0-0.

7:10 p.m. Foxtrott LLC requests a variance pursuant to Foxborough General By-Laws, Section 15B, V.A.1.a to install a free standing sign with directional signage in excess of the size and number regulations of the zoning district they will be located in. The property located at 16 Chestnut Street is located in an R-15 Residential Zoning District and the Payson/Chestnut Overlay District. Dave Crocini was present to represent the applicant. This request is for seven freestanding signs at Chestnut Green. There is presently one at the main entrance that is 6 feet high with the names of the tenants on it. This request is for a lower version of that sign with a more historic feel on black aluminum. There will also be smaller signs that direct customers within the site, one at the Chestnut Street entrance and one at the Payson Street entrance. There will be no lighting on the smaller (2' x 4') signs.

Building Commissioner William Casbarra explained to the Board that Chestnut Green was granted a variance two years ago to add the free standing sign. This site is located in the Payson Overlay District and wall signs are not allowed.

The Board would not like any lighting that will distract traffic. Mr. Crocini stated that the design team hasn't settled on lighting yet, they are required to go through a process with the National Park Service for all signs and lighting.

No abutters were present.

A motion to allow the number of signs in the dimensions requested be approved subject to conditions by the Board was made by Member Forster and seconded by Member Estabrook. The motion carried 3-0-0.

Continued Public Hearing of Kenneth Nicholls requests a Special Permit pursuant to Foxborough Zoning By-Laws, Table of Use 3-1, L.5 to construct a detached residential garage in excess of 625 square feet. The property, located at 20 Ridge Road is in an R-40 Residential Zoning District and a Water Resource Protection Overlay District.

A motion to reopen the Public Hearing was made by Member Estabrook and seconded by Member Forster. The motion carried 3-0-0.

Mr. Nicholls had with him Mr. Richard Nimberg of 24 Ridge Road; this is the abutter that was not on the original abutters listing. Mr. Nimberg showed the Board his license.

Mr. Nicholls and his contractor Mike Savard again explained to the Board that this proposal is to construct a three car garage for personal property and automobiles. There will be no plumbing installed, but there will be electricity. The garage will be 1288 sq. ft. with dimensions of 40 x 28 with a 12 x 14 bumpout.

There is also an existing shed on the property that currently stores home equipment (lawn mower, snow blower, etc).

The existing house has clapboard with a brick façade; the garage will be built to match the house.

Mr. Nicholls explained that he had recently gone to the Planning Board for an accessory apartment in his basement; this resulted in no storage in the main house as the basement was converted to living quarters for his in-laws.

Building Commissioner William Casbarra noted that the gutters on the garage will have to go into a discharge/recharge system with a drywell as this property is in Zone II.

Mr. Nicholls explained that he can't add on to the house due to the shape of the lot and doesn't want to block the view of the water. The septic system is behind the house.

The current house is a raised ranch of 40 x 24; the garage will be bigger than the house.

Mr. Casbarra explained the history on garages in Foxboro. The bylaw was changed in 1998 to require a special permit for anything larger than a two car garage.

The petitioner was unwilling to compromise on the size of the proposed garage. Mr. Forster noted that there is also the issue of a precedence being set here. Mr. Casbarra noted that a garage is allowed to be attached to the house as long as the bylaw is followed.

The petitioner was advised that if the petition is denied he cannot come forward with another proposal for one year.

The hearing was continued to December 16, 2010 at 7:00 p.m.

GENERAL BUSINESS

The minutes of September 16, 2010 were approved unanimously.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Diana Gray

Posted 12/13/10

